

UNIFORM APPLICATION FOR POST-CONVICTION RELIEF

_____ No. _____

NAME OF APPLICANT (to be filled in by the clerk)

_____ **JUDICIAL DISTRICT**

PRISON NUMBER

_____ **PARISH OF** _____

PLACE OF CONFINEMENT STATE OF LOUISIANA

VS.

CUSTODIAN (Warden, Superintendent, Jailer, or authorized

person having custody of applicant)

Please serve CUSTODIAN and _____, DISTRICT ATTORNEY, _____ JUDICIAL DISTRICT, STATE OF LOUISIANA.

INSTRUCTIONS--READ CAREFULLY

(1) This application must be legibly written or typed, signed by the applicant and sworn to before a notary public or institutional officer authorized to administer an oath. Any false statement of a material fact may serve as the basis for a criminal prosecution. All questions must be answered concisely in the proper space on the form. Additional pages are not permitted except with respect to the facts which you rely upon to support your claims for relief. No citation of authorities or legal arguments are necessary.

(2) Only one judgment may be challenged in a single application except that convictions on multiple counts of a single indictment or information may be challenged in one application.

(3) YOU MUST INCLUDE ALL CLAIMS FOR RELIEF AND ALL FACTS SUPPORTING SUCH CLAIMS IN THE APPLICATION.

(4) When the application is completed, the original must be mailed to the clerk of the district court in the parish where you were convicted and sentenced.

(5) You must attach a copy of the court order sentencing you to custody. You may obtain a copy of that order from the clerk of the district court of the parish where you were sentenced or from the institution where you are confined. If a copy of the court order is not attached, you must allege what steps were taken in an effort to obtain the order.

(6) Applications which do not conform to these instructions will be returned with a notation as to the deficiency.

APPLICATION

1. Name and location of court which entered the judgment of conviction challenged _____

2. Date of judgment of conviction _____

3. Length of sentence _____

4. Nature of offense involved (all counts) _____

5. What was your plea? (check one)

(A) Not guilty ()

(B) Guilty ()

(C) Not guilty and not guilty by reason of insanity ()

If you entered a guilty plea to one or more counts and not guilty to other counts, give details:

(D) Name and address of the lawyer representing you at your plea (if you had no lawyer, please indicate) _____

(E) Was the lawyer appointed () or hired ()? (check one)

6. Kind of trial: (check one)

(A) Jury ()

(B) Judge only ()

7. (A) Name and address of the lawyer representing you at your trial: _____

(B) Was the lawyer appointed () or hired ()? (check one)

8. Did you testify at the trial? Yes () No ()

9. (A) Give the name and address of the lawyer who represented you at sentencing for the conviction being attacked herein.

(B) Was the attorney appointed () or hired ()? (check one)

10. Did you appeal from the judgment of conviction? Yes () No ()

11. If you did appeal, give the following information:

(A) Citation, docket number, and date of written opinion by the Appeal Court (if known)

(B) Name and address of lawyer representing you on appeal: _____

(C) Was the lawyer appointed () or hired ()? (check one)

12. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any application for post-conviction relief with respect to this judgment in any state or federal court? Yes () No ()

13. If your answer to 12 is 'yes', give the following information:

(A) (1) Name of court _____

(2) Nature of proceeding _____

(3) Claims raised _____

(4) Did you receive an evidentiary hearing on your application? Yes () No ()

(5) Was relief granted or denied? _____

(6) Date of disposition _____

(7) Citation of opinion (if known) _____

(8) Name and address of lawyer representing you [If none, so state]:

(9) Was the lawyer appointed () or hired ()? (check one)

(B) As to any second application give the same information:

(1) Name of court _____

(2) Nature of proceeding _____

(3) Claims raised _____

(4) Did you receive an evidentiary hearing on your application? Yes () No ()

(5) Was relief granted or denied? _____

(6) Date of disposition _____

(7) Citation of opinion (if known) _____

(8) Name and address of lawyer representing you [If none, so state]: _____

(9) Was the lawyer appointed () or hired ()? (check one)

(C) Have you filed any other applications for post-conviction relief with respect to the challenged conviction? Yes () No ()

If 'yes', set forth the details (as above) on separate paper and attach.

(D) Did you appeal or seek writs of review from the denial of any post-conviction application?

(1) First application, etc. Yes () No ()

(2) Second application, etc. Yes () No ()

(E) If you did not appeal or seek writs from the denial of any post-conviction application, explain briefly why you did not:

(F) Name of the lawyer who represented you on appeal from the denial of any post-conviction application [If none, so state]:

(1) First application _____

(2) Second application _____

CLAIMS FOR RELIEF

State concisely facts supporting your claim that you are being held unlawfully. If necessary, you may attach extra pages stating additional claims and supporting facts. Do not argue points of law.

For your information, the following is a list of the most frequently raised claims for relief in post-conviction applications. You may raise any claim which you may have other than those listed. However, **YOU MUST RAISE IN THIS APPLICATION ALL AVAILABLE CLAIMS RELATING TO THIS CONVICTION.**

(A) Denial of right of appeal.

(B) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.

(C) Conviction obtained by use of coerced confession.

(D) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.

(E) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.

(F) Conviction obtained by a violation of the privilege against self-incrimination.

(G) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.

(H) Conviction obtained by a violation of the protection against double jeopardy.

(I) Conviction obtained by action of grand or petit jury which was unconstitutionally selected and impaneled.

(J) Denial of effective assistance of counsel.

A REMINDER: YOU MUST SET FORTH ALL OF YOUR COMPLAINTS ABOUT YOUR CONVICTION IN THIS APPLICATION. YOU MAY BE BARRED FROM PRESENTING ADDITIONAL CLAIMS AT A LATER DATE. Remember that you must state the FACTS upon which your complaints about your conviction are based. DO NOT JUST SET OUT CONCLUSIONS.

CLAIM I

Claim: _____

(A) Supporting FACTS (tell your story briefly without citing cases or law):

(B) List names and addresses of witnesses who could testify in support of your claim. If you cannot do so, explain why:

(C) If you failed to raise this ground in the trial court prior to conviction, on appeal, or in a prior application, explain why:

CLAIM II

Claim: _____

(A) Supporting FACTS (tell your story briefly without citing cases or law):

(B) List names and addresses of witnesses who could testify in support of your claim. If you cannot do so, explain why:

(C) If you failed to raise this ground in the trial court prior to conviction, on appeal, or in a prior application, explain why:

CLAIM III

Claim: _____

(A) Supporting FACTS (tell your story briefly without citing cases or law):

(B) List names and addresses of witnesses who could testify in support of your claim. If you cannot do so, explain why:

(C) If you failed to raise this ground in the trial court prior to conviction, on appeal, or in a prior application, explain why:

You may attach additional pages setting forth the required information (above) if additional claims are asserted.

A. Do you have in a state or federal court any application or appeal now pending as to the judgment challenged? Yes [] No [] If 'yes', name the court _____

B. Do you have any future sentence to serve after you complete the sentence imposed by the judgment challenged? Yes [] No []

(1) If so, give name and location of court which imposed sentence to be served in the future:

(2) Give date and length of sentence to be served in the future: _____

(3) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?
Yes [] No []

C. If a copy of the court order sentencing you to custody is not attached, explain why. _____

WHEREFORE, applicant prays that the Court grant applicant relief to which he may be entitled.

Signature of Applicant

Day/Month/Year

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF _____

_____, being first duly sworn says that he has read the

(Name of Applicant)

foregoing application for post-conviction relief and swears or affirms that all of the information therein is true and correct. He further swears or affirms that he is unable to employ counsel because he has no assets or funds which could be used to hire an attorney except as listed above. [Delete reference to appointment of counsel if inapplicable.]

Signature of Applicant

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20____.

Notary Public or other person authorized to administer an oath.